

REMARKS

The Official Action rejects Claims 1-6 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Independent Claim 1 has now been amended to recite that the step of packaging multiple items from a plurality of different providers is at least partially performed by a computing system. As the preamble previously defined the method to be “computer-implemented” and since the final Official Action interprets dependent Claims 7-13 such that the packaging step is performed by a computer, Applicants submit that the amendment of Claim 1 does not raise new issues and should therefore be substantively considered at this stage of prosecution. Moreover, by defining one of the steps to be at least partially performed by a computing system in the body of the claim, as opposed to in the preamble, independent Claim 1, and Claims 2-6 by dependency, certainly recite a practical application in the technological arts. As such, Claims 1-6 define statutory subject matter such that the rejection under 35 U.S.C. § 101 is therefore overcome.

The Official Action also rejects Claims 1-4, 6-10 and 14-18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Application No. 2002/0072937 to Sue Domenick, et al. in view of U.S. Patent No. 6,285,986 to Christopher C. Andrews, Claim 5 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the Domenick ‘937 application and the Andrews ‘986 patent in view of Official Notice and Claims 11-13 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the Domenick ‘937 application and the Andrews ‘986 patent in further view of U.S. Patent No. 6,138,105 to Jay S. Walker, et al. As described below, the cited references, taken either individually or in combination, do not teach or suggest the claimed invention. As such, the rejections under 35 U.S.C. § 103(a) are therefore traversed. In view of the foregoing amendments and the following remarks, Applicants request reconsideration of the present application and allowance of the amended set of claims.

The Domenick ‘937 application has a filing date of June 20, 2001 and claims priority from a provisional application filed June 20, 2000. Since the present application was filed before the filing date of the Domenick ‘937 application on February 9, 2001, the Domenick ‘937 application is only prior art for that subject matter that was first disclosed by the ‘847 provisional application. By way of example, the content of the ‘847 provisional application that is carried

over into the Domenick '937 application may be considered prior art (subject to Applicants subsequently establishing an earlier invention date), while matter that is newly added in the Domenick '937 application that was not disclosed by the '847 provisional application is not prior art relative to the present application.

In order to determine the relevance of the Domenick '937 application to the claimed invention, Applicants' undersigned representative has obtained and reviewed a copy of the provisional application. The '847 provisional application is a collection of relatively high level system documents prepared by United Airlines to outline its Special Fares Packaging System. The '847 provisional application primarily describes prepackaged trips that are advertised via email. The '847 provisional application describes the generation of packages prior to any customer request or inquiry. In this vein, it appears that the potential providers of the items included in the package are identified concurrent with the original package generation, that is, prior to any customer request or inquiry, since cross-sale suggestions are provided along with the prepackaged trips. Thus, the '847 provisional application is yet another reference directed to prepackaging, as opposed to dynamic packaging in response to receiving a request, such as from a potential customer, as recited by the claimed invention.

In particular, Applicants submit that the '847 provisional application from which the '937 Domenick application claims priority does not teach or suggest "packaging multiple items from a plurality of different providers selected from the potential providers, into a package of items in response to receiving the request [identifying an interest in a set of items]", as recited by amended independent Claim 1. Similarly, the '847 provisional application does not teach or suggest that a "package request processor packages multiple items from a plurality of different providers identified by said items/provider database [in response to a request identifying an interest in the set of items] into a package of items", as recited by independent Claim 14.

Like the '847 provisional application from which the '937 Domenick application claims priority, the Andrews '986 patent and the Walker '105 patent both generate various packages in advance of any request from a potential purchaser. In this regard, the Andrews '986 patent describes a method and apparatus for bundling various products and services for one or more vendors into a bundle that is sold as a unit. As described, one or more vendors post information

by their products and services. Bundle vendors then generate bundles of the products and services posted by the various vendors. Members may then view the various bundles and select and purchase one or more bundles. Similarly, the Walker '105 patent describes the packaging of a group of products for sale at a single price. In assembling the packages, the system or method assemble products in the packages in accordance with the package assembly rules table. In this regard, the system and method generate packages that include a number of different product families that have been defined by the package assembly rules table as being complimentary.

As best understood, each of the references therefore permit a potential purchaser to choose amongst existing packages, as opposed to having a package newly created for them in response to their request, as recited by independent Claims 1 and 14. By constructing the package in response to a request from a potential purchaser, the claimed invention offers several advantages relative to the prepackaging techniques described by the references. In this regard, the claimed invention may be capable of generating packages that more precisely match the parameters defined by the requests submitted by potential purchaser. In addition, by generating the packages in response to a request, such as a request submitted by a potential purchaser, the packages may be generated based upon more current data relating to the inventory of the various potential providers and the availability of the requested items such that the items included within the package that are generated have a greater chance of being available if the customer chooses to purchase the package.

For at least the forgoing reasons, Applicants submit that independent Claims 1 and 14, as well as Claims 2-13 and 15-18 by dependency, are not taught or suggested by '847 provisional application (the disclosure of which serves as the only potential basis by which portions of the Domenick '937 application may be considered prior art), taken either individually or in combination with the Andrews '986 patent and the Walker '105 patent. As such, the rejections of the claims under 35 U.S.C. § 103(a) are therefore overcome.

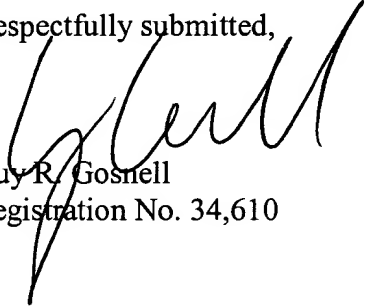
CONCLUSION

In light of the foregoing remarks and the amended claims which do not raise new issues and should therefore be substantively considered, Applicants submit that the present claims are

in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

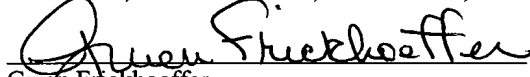


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